

REMARKS

Upon entry of this response, claims 1-4, 6-9 and 12-13 are presented for examination, of which claims 1 and 7 are independent. Claims 1-4, 6, 12 and 13 are allowed. Applicants respectfully submit that all pending claims define over the art of record.

Rejection of Claims under 35 U.S.C. §103

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,680,139 to Narayanan et al (hereafter “Narayanan”) in view of U.S. Patent Application Publication No. 2003/0049518 to Nanaumi et al (hereafter “Nanaumi”).

Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Narayanan reference in view of the Nanaumi reference and further in view of U.S. Patent Application Publication No. 2003/0113609 to Batfalsky et al (hereafter “Batfalsky”).

Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Narayanan reference in view of the Nanaumi reference and further in view of U.S. Patent No. 5,942,348 to Jansing et al (hereafter “Jansing”).

Applicants respectfully submit that the newly cited Nanaumi reference does not qualify as a prior art reference. The earliest priority date of the present application is March 7, 2003. A certified English translation of the priority documents was submitted to the USPTO on July 13, 2007. The Nanaumi reference was published on March 13, 2003, which is after the earliest priority date of the present application. As such, the Nanaumi reference only qualifies as a prior art reference under 35 U.S.C. 102(e). The Nanaumi reference has the same assignee as the present application. Thus, the Nanaumi reference can be disqualified under 35 U.S.C. §103(c). Applicants believe that the Japanese counterpart of the Nanaumi reference cannot be cited against the present application because the Japanese counterpart of the Nanaumi reference, i.e. Japanese Application No. 2001-260240, was published on March 7, 2003, on the same date as the earliest priority date of the present application.

Applicants respectfully submit that the Nanaumi reference is disqualified as a prior art reference under 35 U.S.C. § 103(c). Without the Nanaumi reference, the Narayanan reference, alone or in combination with the Batfalsky and Jansing references, does not support a valid 35

U.S.C. § 103(a) rejection of claims 7-9. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 7-9 under 35 U.S.C. § 103(a). Applicants respectfully request the Examiner to pass the claims to allowance.

CONCLUSION

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080, under Order No. TOW-066RCE2. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. § 1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account.

Dated: December 17, 2008

Respectfully submitted,

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